

DOCKET NO.: CELG-0422
Application No.: 10/820,397
Office Action Dated: September 17, 2007

PATENT

REMARKS

Claims 47 to 78 are pending. Claims 47 to 78 are subject to an election of species requirement. No claims have been amended, added, or cancelled. No new matter has been added.

An election of species under 35 U.S.C. § 121 has been required having one of each of the following distinct characterizations, characterized as [a] treatment dosage forms (pulsatile, bolus, time release), [b] cancers (solid tumor, nonsolid tumor), [c] treatments for cancer (chemotherapy, radiotherapy) and [d] cognitive side effects (sedation, neurobehavioral slowing, decreased cognitive function, depression, apathy, decreased libido, depersonalization).

For the purposes of aiding the Patent Office with a search, Applicants herein elect the species having the following characterizations: [a] pulsatile dosage form; [b] nonsolid tumor; [c] chemotherapy; and [d] decreased cognitive function.

Applicants submit that the species elected herein above reads on claims 47-49, 51-55, and 74-78.

It is Applicants' understanding that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of Applicants' claims. It is Applicants' understanding also that, if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the generic claims included in the elected group.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is requested respectfully.

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